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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,002	01/25/2002	Shunichi Kondo	018995-454	7687

7590

07/02/2003

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EXAMINER

GILLIAM, BARBARA LEE

ART UNIT

PAPER NUMBER

1752

3

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,002

Applicant(s)

KONDO ET AL.

Examiner

Barbara Gilliam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-8 is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The use of the trademarks SURFCOM (at page 39, line 17) and CHELEST 400 (at page 42, line 24 & Table 3 at page 45) has been noted in this application. Trademarks should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claims

3. Claims 1-8 are pending.
4. The phrase "a presensitized plate useful for making a lithographic printing plate" in the preamble of claims 1 and 5 is treated as a statement of intended use and not as a limitation.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Maemoto.

a. In US 6,258,510 B1, Maemoto teaches a photosensitive planographic printing plate precursor comprising an aluminum substrate surface treated such that the center line surface roughness (Ra) is in a range from 0.30 μm or more to 0.55 μm or less and a photosensitive layer provided on the substrate. The photosensitive layer comprises a water-soluble or water-dispersible polymer, a monomer or oligomer having at least one ethylenically unsaturated double bond capable of photopolymerization and a photopolymerization initiator system (claim 1). The water-soluble or water-dispersible polymer meets the present limitations for the polymer binder, the ethylenically unsaturated compound meets the present limitations for the ethylenically unsaturated bond-containing compound and the photopolymerization initiator system meets the present limitations for the photopolymerization initiator. The aluminum substrate can be subjected to a hydrophilicity imparting treatment by providing a subbing layer of a water-soluble polymer having a sulfonic acid group (column 12, lines 47-65). In Examples 1 to 6, a subbing solution comprising a sodium salt of a methyl methacrylate/ethyl acrylate/sodium 2-acrylamide-2-methylpropanesulfonic acid copolymer was applied to the aluminum substrate having a center line surface roughness of 0.45 μm (column 15, line 55 – column 16, line 20). The subbing layer meets the present limitations for the intermediate layer and the sodium salt of a methyl

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methacrylate/ethyl acrylate/sodium 2-acrylamide-2-methylpropanesulfonic acid copolymer of the subbing layer meets the present limitations for the 2-acrylamide-2-methylpropanesulfonic acid alkali metal salt monomer contained therein. Applicant is reminded that claim 2 is a product-by-process claim and the polymer compound taught therein does not depend on the process of making it. See MPEP 2113.

Allowable Subject Matter

7. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: In US 6,258,510 B1, Maemoto clearly teaches a photopolymerization initiator system (claim 1 & column 7, lines 1-38). However there is no teaching or suggestion of a photopolymerization initiator system comprising a combination of a titanocene and a dye selected from the groups consisting of cyanine dyes, merocyanine dyes, xanthene dyes, ketocoumarin dyes, and benzopyran dyes as required in present claim 4.

9. Claims 5-8 are allowed.

10. The following is an examiner's statement of reasons for allowance:

a. In US 6,258,510 B1, Maemoto teaches away from developing the exposed printing plate (column 14, line 60 – column 15, line 10). There is no teaching or suggestion to develop the exposed plate of Maemoto with the specific developer required in claims 5-8 of the present application.

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b. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. In US 4,983,498, Rode et al. teach a photopolymerizable mixture and recording material produced therefrom.

b. JP 2000-039711 A is in the same patent family as Maemoto, US 6,258,510 B1.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara Gilliam whose telephone number is 703-305-1330. The examiner can normally be reached on Monday through Friday, 8:00 AM - 6:00 PM.

a. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Baxter can be reached on 703-308-2303. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

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b. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Barbara Gilliam

Barbara Gilliam
Examiner
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bg
June 30, 2003